

## **EXPLANATORY MEMORANDUM TO**

### **Prohibition of the Sale of Rod Caught Salmon Regulations (NI) 2013**

#### **SR 2013 No 119**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 26(1) of the Fisheries Act (NI) 1966 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 The purpose of these Regulations is to introduce a ban on the sale of salmon (which includes sea trout) caught by rod and line in the DCAL jurisdiction. The introduction of this prohibition will not only encourage the practice of catch and release methods until such methods become mandatory in 2014, but will also deter poaching if no outlet is available to sell salmon caught in this way.

#### **3. Background**

- 3.1 Section 26(1)(jj) of the Fisheries Act (NI) 1966, provides that the Department can make regulations to prohibit the sale of any species of fish caught by rod and line. The Department intend to use this power to introduce a ban on the sale of rod caught salmon (which includes sea trout) as part of a suite of regulatory measures aimed at the conservation of wild Atlantic Salmon.
- 3.2 These Regulations will bring the DCAL jurisdiction into line with the Loughs Agency area and the south of Ireland which have both introduced recent bans on the sale of rod caught salmon.

#### **4. Consultation**

- 4.1 There has been considerable pressure from the angling sector to introduce a ban on the sale of rod caught salmon, especially as recent bans have been introduced in the Loughs Agency area and the South of Ireland. The Salmon and Inland Fisheries Forum, whose membership includes recreational and commercial fishing interests as well as fish dealers, is also supportive of such a ban.
- 4.2 A recent consultation on salmon conservation measures (which closed in July 2012) included a request for comments on a proposed ban on the sale of rod caught salmon. An overwhelming majority of respondents agreed with the proposal, commenting that it would help to reduce exploitation of salmon and promote the recreational aspect of angling.

## **5. Equality Impact**

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The screening exercise did not identify any equality issues.

## **6. Regulatory Impact**

- 6.1 No compliance costs have been identified for business, charities or voluntary organisations.

## **7. Financial Implications**

- 7.1 The Department is satisfied that the balance between cost and benefit in introducing these amendment regulations is justified.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 It is not expected that any of the amendments set out in the draft Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law. The EQIA screening did not raise any discrimination issues.

## **9. EU Implications**

- 9.1 These Regulations are part of a suite of salmon conservation measures aimed at the conservation of the Atlantic wild salmon. The encouragement and promotion of catch and release methods for salmon angling is entirely consistent with DCAL's obligations arising from the 1983 North Atlantic Salmon Conservation Organisation (NASCO) Convention and subsequent European legislation, including the Habitats Directive.
- 9.2 While NASCO do not impose infraction proceedings, the EU are signatories to the guiding principles of NASCO on conservation and protection of salmon and we are committed to this as (part of) a member state.

## **10. Parity or Replicatory Measure**

- 10.1 A national byelaw banning the sale of rod caught salmon and sea trout in England and Wales came into effect in 2009. This legislation brought England and Wales in line with Scottish law, which banned the sale of rod caught salmon and sea trout in 2007.

## **11. Additional Information**

- 11.1 Not applicable